

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

PS – Education(SE)Department – Regularisation of irregular appointments of certain teachers under GOMs.No.92 Edn., dt.3.12.99 – Manipulation and fabrication of records – Cancellation of orders issued in G.O.Ms.No.92 Edn., dt.3.12.99 in respect of Sri **P.Prasad**, Sri **G.John Paul** and Smt.**P.Sudaya Kumari**, SGTs, C.S.I. Ele.Schools, Krishna District – Orders – Issued.

EDUCATION [SE- Vig.I(1)] DEPARTMENT

G.O.Ms.No. 94,

Dated: 20.08.2009.

Read the following:

1. G.O.Ms.No.92 Edn.(PS), dt.3.12.1999.
2. From the General Administration (Vigilance & Enforcement) Deptt., Appraisal Note No.26, dt.6.7.2001.
3. From the D.S.E., Hyd., Lr.Rc.No.1706/Vig.2/DSE/2003, dt.4.7.2005.
4. Govt.Memo.No.5605/Vig.(1)/2002-12 to 14 , dt.29.5.2006.
5. From Sri P.Prasad, Sri G.John Paul, Smt.P.Sudaya Kumari, Explanations dt.19.7.2006, 1.7.2006 & 1.7.2006 respectively.
6. G.O.Ms.No.21 Edn(SE-Vig.I), dt.6.3.2007.
7. Govt.Memo.No.5605/Vig.(1)/2002-17, dt.6.3.2007.
8. Proceedings of the Manager, C.S.I. Ele. & U.P.Schools, Krishna-Godavari Diocese, Vijayawada, dt.12.5.2007.
9. Judgments of High Court in WP Nos.12261/2007, 10633/2007 & 10632/2007, all dt.13.12.2007.
10. Govt.Memo.No.5605/Vig.I(1)/2002-35, dt.19.3.2009.
11. Explanations of Sri P.Prasad, Sri G.John Paul, Smt.P.Sudaya Kumari, dt.11.4.2009, 9.4.2009 & 8.4.2009 respectively.

ORDER :

In supercession of the orders issued in the G.O.6th read above, the following orders are issued.

2. Whereas, based on the proposals sent by the Commissioner & Director of School Education, Hyderabad, Government, in the G.O. 1st read above, ratified the irregular appointments made by the Private Educational Institutions and approved the appointments of 142 candidates duly relaxing all the requisite provisions in rule 15 of the G.O.Ms.No.524 Edn., dt.20.12.1988, subject to certain conditions mentioned therein and the Regional Joint Directors of School Education / District Educational Officers concerned have been requested to take necessary action to regularise their services and to release Grant-in-aid to the posts who are willing to abide by the conditions stipulated therein ;

3. And whereas, Sri **P.Prasad**, Secondary Grade Teacher, C.S.I.Elementary School, Kambhampadu, Sri **G.John Paul**, Secondary Grade Teacher, C.S.I. Elementary School, Veleru, Bapulapadu(M), Smt.**P.Sudaya Kumari**, Secondary Grade Teacher, C.S.I. Elementary School, Thotaravulapadu, Chandarlapadu(M), Krishna dist., are among the 142 candidates whose irregular appointments were regularised under G.O. 1st read above ;

4. And whereas, in the reference 2nd read above, it was brought to the notice of the Government that the above said 3 teachers got their irregular appointments regularized under G.O.Ms.No.92 Edn., dt.3.12.1999 by manipulating and fabricating the records in collusion with the management of the school and educational officials, as if they have been continuously working from 1991/1993 without any break and thereby cheated the Government ;

5. And whereas, the Director of School Education, Hyderabad, in his letter 3rd read above, has stated that the Assistant Director of the office of the Regional Joint Director of School Education, Kakinada, who was deputed by the R.J.D.S.E., Kakinada, for verification of the records pertaining to the appointments of the said 3 teachers, submitted a detailed report dt.14.3.2005 finding that the appointments were regularized on the basis of fabricated and manipulated records and confirmed the findings of Vigilance & Enforcement Department ;

6. And whereas, the Hon'ble Supreme Court in the case of Union of India Vs M. Bhaskaran (1995(6) SCALE 214) held that once fraud is detected, the appointment orders themselves which were found to be tainted and vitiated by fraud and acts of cheating on the part of the employees were liable to be recalled after following the due procedure of law ;

7. And where as, in the G.O.6th read above, the Government have **cancelled** the regularisation of appointments ordered in **G.O.Ms.No.92**, Edn.(PS), dt.**3.12.1999** in respect of the said 3 teachers i.e., Sri **P.Prasad**, Sri **G.John Paul**, and Smt.**P.Sudaya Kumari**, after issuing show cause notices 4th read above and considering their explanations 5th read above. In view of the orders issued in the G.O.6th read above, the Director of School Education was requested in the Memo.7th read above, to terminate the services of the said 3 teachers.

8. And whereas, in the reference 8th read above, the Management has terminated the services of the said 3 teachers with effect from 12.5.2007.

9. And whereas, aggrieved by the above said orders/proceedings of the Government/Management, Sri P.Prasad, Sri G.John Paul, and Smt.P.Sudaya Kumari have filed W.P.Nos. 12261/2007, 10633/2007 & 10632/2007 respectively, in the High Court.

10. And whereas, in the Judgments 9th read above, the Hon'ble High Court has set aside the impugned proceedings and however, given liberty to the respondents to take appropriate action as available under law and pass orders, after putting the petitioner on notice and hearing them personally, if necessary.

11. And whereas, the District Educational Officer, Krishna District, has reported that in view of the judgments of High Court, the said 3 teachers have represented the Management to continue in service and accordingly, the Management in the Proceedings dt.1.1.2008 has issued reinstatement orders and permitted them to join duty with immediate effect subject to approval of the Department, without consulting the competent authority before issuing reinstatement orders.

12. And whereas, in the Memo.10th read above, notice was given to the said 3 teachers for personal hearing ; and personal hearing was conducted by the Prl.Secretary to Government, Education (SE) Department, with the said teachers on 31.12.2008, as per the said judgments of the High Court.

13. And whereas, during the personal hearing on 31.12.2008, the 3 teachers i.e, Sri P.Prasad, Sri G.Johan Paul and Smt.P.Sudaya Kumari, stated the service particulars and history of the case since their appointment in 1991 / 1993 to till date. They have stated that it is a fact that the Management cancelled their appointment vide proceedings dated 08.06.1995 and the said order was served on them on 16.06.1995 and when they approached the Management on the same day the Management considered their request and issued proceedings dt.16.6.1995 cancelling earlier proceedings dated 8.6.1995 by continuing them in service and hence there was no break in service and they worked without any salary and that it is made clear in the said order of the Management dt.16.6.1995 to maintain separate attendance register until the District Educational Officer, Krishna, approves their appointment ; and accordingly, they signed in a separate attendance register and that after the Government issued G.O.Ms.No.92, dated 03.12.1999 their names were included in the regular attendance register and they have been signing in the regular attendance register along with others, etc. They have submitted their written representations also stating the above position.

14. And whereas, during the personal hearing, the 3 teachers were cross examined and they were directed to produce any new material/evidence, which were not considered earlier by the Govt., particularly for the period from June,1995 to till the date of their appointments regularized in terms of GOMs.No.92, dt.3.12.1999 to prove that they worked during that period. But, they could not produce and they have reiterated the same points in their earlier explanations to the show-cause notices dt.29.5.2006. They have requested to consider the matter favourably and to continue them in service.

15. And whereas, in the Memo.10th read above, the report dt.14.3.2005 of Asst.Director, o/o RJDSE,Kakinada, was communicated to the said 3 teachers, for their explanations, if any, in the matter.

16. And whereas, in the reference 11th read above, they have submitted their explanations stating the history of the case from the beginning to till date, which were already stated in their explanations to the earlier show cause notices 5th read above prior to issue of G.O.6th read above, and which were stated during the personal hearing on 31.12.2008, etc., and requested to drop further proceedings and to continue them in service. But they have not produced any new material/evidence to prove that they worked during the period from June,1995 to till the date of their appointments regularized in terms of GOMs.No.92, dt.3.12.1999.

17. After careful examination of the matter, it is observed that the best proof that a person is working or not, is salary statement. It is the most authenticated document to prove presence or absence of an individual in job. None of them produced proof that they were paid salary during the period under consideration. The inspection report of Asst.Director, o/o RJDSE,Kakinada, dated 14.3.2005 clearly prove that records were fabricated to show as if they were continuously working in respective schools. In fact, they were terminated by the Management in June,1995. On knowing that Government proposed to regularize the irregular appointments, they got manipulated and fabricated the records as if they were continuously working since 1991/1993 though they did not actually worked, and got their appointments regularized in terms of GOMs.No.92, Edn., dt.3.12.1999 and drawn arrears causing loss to Government and they were irregularly absorbed in the aided posts of C.S.I.Elementary schools, Krishna district. Therefore, it has been decided to cancel the regularisation ordered in the G.O.1st read above in respect of the said 3 teachers.

18. Accordingly, regularisation of appointments ordered in **G.O.Ms.No.92**, Edn.(PS), dt.**3.12.1999** in respect of the said 3 teachers i.e., Sri **P.Prasad**, Sri **G.John Paul**, and Smt.**P.Sudaya Kumari**, Secondary Grade Teachers, C.S.I. Elementary Schools, Krishna district, are hereby **cancelled**, with effect from the date it was regularized earlier i.e., 1.4.1997.

19. The Commissioner & Director of School Education, Hyderabad, shall take necessary further action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SURESH CHANDA
SECRETARY TO GOVERNMENT(SE)

To
The individuals through the Commissioner & Director of School Education, Hyderabad.
The Commissioner & Director of School Education, Hyderabad.
The District Educational Officer, Krishna district.
SF/SCs.

// FORWARDED : BY ORDER //

SECTION OFFICER